

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS**

PATRICK HUDSON, on behalf of )  
himself and other persons similarly situated, )  
                                       )  
                                       Plaintiff,         ) 1:18cv04620  
v.                                 )  
                                       )  
RALPH LAUREN CORPORATION,     )  
RALPH LAUREN RETAIL,          )  
INC., and VIBES MEDIA, LLC,    )  
                                       )  
                                       Defendants.         )

**DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Ralph Lauren Corporation, Ralph Lauren Retail, Inc. (“Ralph Lauren”) and Vibes Media, LLC (“Vibes”), collectively (“Defendants”), respectfully request that this Court dismiss Plaintiff Patrick Hudson’s First Amended Class Action Complaint with prejudice.

Plaintiff Patrick Hudson (“Mr. Hudson”) has alleged that Defendants sent him text messages that violated the Telephone Consumer Protection Act (“TCPA”). 47 U.S.C. § 227 (2005). As explained in the enclosed memorandum in support of this motion, the Complaint must be dismissed for three independent reasons. *First*, Plaintiff’s admission that he opted into Defendants’ text messaging program renders his Amended Complaint deficient as a matter of law. Plaintiff has alleged a contract violation, not a violation of the TCPA. *Second*, Plaintiff’s conclusory allegation that Defendants use of an automated telephone dialing system (“ATDS” or “autodialer”) to text him fails to allege a plausible cause of action under the TCPA. *Third*, Plaintiff, as a matter of law, cannot state a plausible claim under 47 U.S.C. § 64.1200(b)(3) as Defendants were not required to include revocation instructions in every text message.

Dated: October 3, 2018

Respectfully submitted,

/s/ Amy E. Richardson

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**CERTIFICATE OF SERVICE**

The undersigned attorney of record certifies that she caused a true and correct copy of the foregoing, **DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED CLASS ACTION COMPLAINT**, to be filed electronically on October 3, 2018. Notice and a copy of this filing will be served upon all counsel of record by operation of the Court's CM/ECF electronic filing system.

By: /s/ Katherine H. Oblak

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